

STATE OF VERMONT  
PUBLIC SERVICE BOARD

Docket No. 8609

In Re Dispute between Springfield Area Public    )  
Access Television and Vermont Telephone        )  
Company, Inc.    )

Order entered: 11/19/2015

**ORDER OPENING A PROCEEDING**  
**TO HEAR DISPUTE PURSUANT TO BOARD RULE 8.435(C)**

**I. INTRODUCTION**

On May 4, 2015, Springfield Area Public Access Television ("SAPA") filed a letter with the Public Service Board ("Board") requesting that the Board arbitrate its "contract negotiation dispute" with Vermont Telephone Company, Inc. ("VTel") pursuant to Board Rule 8.435(C).<sup>1</sup> SAPA stated that it has sought to enter into a contract with VTel since January 2012 to serve as the Access Management Organization for VTel's cable television system in Springfield, North Springfield, Chester, and Weathersfield, Vermont.

By memorandum dated May 22, 2015, the Board requested responses to SAPA's request from VTel and the Vermont Department of Public Service ("Department"). VTel filed responses with the Board on June 10 and July 17, 2015, and the Department filed a response on June 12, 2015. In its July 17 filing, VTel asked the Board to delay the initiation of any proceeding in this matter pending SAPA's review of a new offer from VTel. On October 9, 2015, SAPA renewed its request for Board assistance in resolving its dispute with VTel. The Department recommends that the Board invoke its authority to hear the dispute between SAPA and VTel. It suggests that

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1. Under Board Rule 8.435(C), the Board may hear "[a]ny dispute related to contracts or requirements" under the Board Rule applicable to cable television providers in Vermont. VTel was issued a Certificate of Public Good to operate a cable television system in its existing service areas on September 20, 2011, in Docket 7746.

the Board proceed by first determining whether VTel can demonstrate that it is meeting the community needs of the Chester/Springfield area with its existing public access programming.

Based on SAPA's filings and the responses, the Board has determined that it is appropriate to open a proceeding concerning the dispute between SAPA and VTel.

## **II. ORDER**

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED by the Public Service Board ("Board") of the State of Vermont that:

1. Pursuant to Board Rule 8.435(C), a proceeding is hereby opened to hear the dispute between Springfield Area Public Access Television ("SAPA") and Vermont Telephone Company, Inc. ("VTel") related to the negotiation of a contract for SAPA to serve as the Access Management Organization for VTel's cable television system in Springfield, North Springfield, Chester, and Weathersfield, Vermont.

2. Pursuant to 30 V.S.A. § 8, Jake Marren, Staff Attorney, is appointed to serve as the Hearing Officer to conduct proceedings in this Docket.

Dated at Montpelier, Vermont, this 19<sup>th</sup> day of November, 2015.

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|--------------------------|---|----------------|
| <u>s/James Volz</u>      | ) |                |
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|                          | ) | PUBLIC SERVICE |
|                          | ) |                |
| <u>s/Margaret Cheney</u> | ) | BOARD          |
|                          | ) |                |
|                          | ) | OF VERMONT     |
| <u>s/Sarah Hofmann</u>   | ) |                |

OFFICE OF THE CLERK

FILED: November 19, 2015

ATTEST: s/Susan M. Hudson

Clerk of the Board

*NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: [psb.clerk@vermont.gov](mailto:psb.clerk@vermont.gov))*